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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,563	12/05/2003	Angel Lu	4425-340	7987

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,563

Applicant(s)

LU ET AL.

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on January 31, 2007, wherein claims 1-20 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-12 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bingham et al. (PG Pub. 2002/0069094) (Hereinafter referred to as Bingham).

Referring to Claims 1, 3-4, 9, 11-12, and 17-20:

Bingham discloses an on-line reservation method, medium and system for public facility, comprising:

a storing device (Figure 1 (110); Figure 2b (228)), a processing device ([0021] data processing system 200; Figure 2b (220)), and at least two interfaces (Figure 1 (106) (104));

storing a plurality of reservation records corresponding a plurality of public facilities on a computer, wherein each record contains information about a time span, name of an applicant and list of participators (Figure 5 (504); Figure 9);

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storing a plurality of registered data on said computer, wherein each said registered data containing a set of user name and corresponding user password (Figure 4 (402), Figure 6);

receiving a log-in data submitted from a applicant on said computer, wherein said log-in data containing a set of applicant name and corresponding applicant password (Figure 4 (402); Figure 6);

identifying said log-in data on said computer, and allowing said applicant to submit a reservation request when said set of applicant name and corresponding applicant password of said log-in data is identical to any set of user name and corresponding user password of said plurality of registered data (Figure 4 (404-410));

receiving said reservation request submitted from said applicant on said computer, wherein said reservation request containing information about a reservation time span, a reservation name of an applicant corresponding to said reservation span and a reservation name list of participators (Figure 4 (410) Figure 7);

processing said reservation request on said computer, and said reservation request is accepted to be a new approved reservation record and added to said approved reservation records when said reservation time span is not overlapped with any approved time span of said plurality of approved reservation records ([0021]; Figure 4 (412) (414); Figure 5 (510) and (514)); and

outputting an approved reservation notices according to said reservation name of said applicant and said reservation name list of participators on said computer when

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said reservation request was accepted to be said new approved reservation record (Figure 4 (416)).

Referring to Claims 2, 10 and 18:

Bingham discloses wherein any of said public facilities corresponds to an operating instruction, and said reservation time span is selected from a group consisting of single time span, multiple time spans, and cyclic time spans of said reservation request (Figure 7).

Referring to Claims 7 and 15:

Bingham discloses outputting a suggested reservation time span when said reservation time span is overlapped with any approved time span of said plurality of approved reservation records (Figure 7).

Referring to Claims 8 and 16:

Bingham discloses performance of any one of two steps as following: outputting said suggested reservation time span, and said reservation request is accepted to be a new approved reservation record and added to said approved reservation records when receiving a confirm message about said suggested reservation time span sent from said applicant; and

outputting said suggested reservation time span, and requesting said applicant to submit a new reservation request (Figure 5 and Figure 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham et al. (PG Pub. 2002/0069094) (Hereinafter referred to as Bingham) in view of Fukuma (U.S. 5,909,668).

Bingham does not disclose receiving said cancellation request submitted from said applicant, wherein said cancellation request contains information about a cancellation time span, processing said cancellation request, and said cancellation request is accepted and each corresponding approved reservation record of said applicant is deleted when said cancellation time span matches any approved time span of said plurality of approved reservation records.

However, Fukuma teaches receiving said cancellation request submitted from said applicant, wherein said cancellation request contains information about a cancellation time span and processing said cancellation request.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the system of reserving facility resources of Bingham with the reservation management system of Fukuma in order avoid the often complicated, time-consuming, and inefficient process ordinarily associated with reserving a public

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space. By allowing its users to cancel a submitted request for a certain time span, any superfluous reservation would be removed. This feature would create an efficient and up to date reservation system, which would keep a public space in use with minimal downtime.

Response to Arguments

4. Applicant's arguments filed January 31, 2007 have been fully considered but they are not persuasive.

First, applicant states that the Examiner does not explicitly provide any description of the basis for rejection claims 3-4, 7-8, 11-12, 15-16, and 19-20.

The Examiner asserts that all of these claims were addressed in the rejection mailed on October 4, 2006 as well as the rejection above.

First, the Examiner notes that applicant fails to positively claim many of the claim limitations. However, the Examiner examined the claim limitations giving them the broadest reasonable interpretation, many times addressing limitations with prior art even though the limitations were not positively claimed. For example claim 1 has the limitation of identifying said log-in data on said computer, and allowing said applicant to submit a reservation request. The Examiner notes that there is no positive recitation of submitting the request. The applicant has a claim limitation of processing the reservation request. Applicant then states that the request is accepted to be a new approved reservation record. If this step is meant to further define the invention, the applicant needs to positively claim the accepting step in a manner that makes it clear how this step defines the invention. Furthermore, as noted in applicant's arguments, the invention appears to be directed to the participators receiving notification. However, as the claims are written, this is not clearly claimed.

As for applicants arguments as to claims 4 and 12, claims 4 and 12 are directed to the following claim limitations:

allowing said applicant to submit a query request when said set of applicant name and corresponding applicant password of said log-in data is identical to any set of user name and corresponding user password of said plurality of registered data;

receiving said query request submitted from said applicant, wherein said query request contains questions about a corresponding introduction and a corresponding approved reservation record; and

displaying said corresponding introduction and said corresponding approved reservation record.

The Examiner notes that **allowing** an applicant to submit a query request is not a positive recitation of a query request actually being submitted. The term "allowing" is the same as "causing," or "permitting," which are distinct from actually doing the action.

Therefore, as claimed, the applicant's invention only provides for making it possible to submit a request. Therefore, since no query request is actually submitted, claims 4 and 12 are rejected with claim 1 and 9.

Furthermore, as written, claims 4 and 12 are allowing an applicant to submit a query request, receiving the request containing information and displaying information in response to the query.

Claims 3 and 11 are directed to requesting the applicant to submit new log-in data when the password and name are not identical to the corresponding registered data. The Examiner asserts that this limitation is inherent in any log-in system. When one makes a typo in typing in a password, or even incorrectly types in the wrong information, there is always a message stating that the log-in is incomplete and to try

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again. If the Examiner failed to address this limitation explicitly, it is because the Examiner would not have entertained the possibility of this being the novel feature of the applicant's invention.

As for claims 7 and 15, these claims are directed to the following limitation:

outputting a suggested reservation time span when said reservation time span is overlapped with any approved time span of said plurality of approved records.

Claims 7 and 15 depend on claims 1 and 9.

Claims 1 and 9 are directed to a limitation which reads:

processing said reservation request on the computer.

The applicant then has the claim limitation reading:

and said reservation request is accepted to be a new approved reservation record and added to said approved reservation records when said reservation time span is not overlapped with any approved time span of approved reservation records.

First, it is not clear what the applicant means by "said reservation request is accepted" or how this fits into the processing step.

The Examiner reads this limitation as broadly being a reservation request that is processed as being an available reservation if the time span that the user request is available. This is disclosed in Figure 5 (510) and (514).

The limitations of claim 7 and 15 can be said to be shown in Figure 5 (512) and (532).

NOTE: The Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the

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specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

As for claims 8 and 16, the claim limitations are:

The method/medium of claim 7/15, further comprising ***performance of any one of two steps as following:***

outputting said suggested reservation time span (shown in Bingham, Figure 5 (532)).

Once again, as written, the language *and said reservation request is accepted to be a new approved reservation record and added to said approved reservation records when receiving a confirm message about said suggested reservation time span sent from said applicant* is unclear and is interpreted, as set forth above, to be essentially the same as the user accepting the reservation and the reservation being stored as is the second part of the claim language, *outputting said suggested reservation time span, and requesting said applicant to submit a new reservation request* (shown in Figure 5 (532) and (518); and Figure 4 (408-416)).

Claim 20 depends from claim 17, which is a system claim. A system/apparatus must be distinguished from the prior art in terms of structure rather than function (MPEP 2114). It appears that applicant may be trying to claim the system by what it does

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rather the structure. If this is so, then applicant's claim language may be considered to be a hybrid claim which is non-statutory since it claims both a method and a system.

Applicant states that:

Embedded with a computerized and network environment, Bingham tried to provide an integrated mechanism to resolve the complicated, time-consuming planning regarding group-related meetings or events. Many friendly human interfaces are implemented for reservation issues especially can be clearly noted in FIG.6 through FIG. 14. **The immediate application area of Bingham is not inside an enterprise.** Moreover, the disclosed features of Bingham fail to teach all limitations claimed in the present application as described below.

The Examiner is not clear what the applicant is arguing in this portion of the response. What does the applicant mean that Bingham is not inside an enterprise?

Applicant states on page 3 of the Remarks that:

Under an enterprise environment, however, the claimed invention is able to "send an approved reservation notice to the applicant and notify the other relevant participators" (Spec, page 3, lines 19-21) automatically with the claimed feature as well as the claimed "outputting" step, and to prevent the user from "notifying each participator of the reservation one by one" (Spec, page 1, PRIOR ART paragraph). As indicated by MPEP 2131, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" and "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Accordingly, Applicant disagrees that the limitation in the claimed "storing a plurality of approved reservation records..." step and "outputting ..." step have been provided, taught, or contemplated in the recited reference Bingham. Therefore, Applicant respectfully submits that the original claim 1 is not anticipated by Bingham and requests that the Examiner withdraws the rejection of claim 1.

First, claims must be given their broadest reasonable interpretation consistent with the supporting description, ***without reading limitations into the claim*** from the specification (MPEP 2111). Secondly, the claim language reads "outputting ***an***

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approved reservation **notices** according to said reservation of said applicant and said reservation name list of participators on said computer when said reservation request was accepted to be a new approved reservation record." The Examiner notes that it is unclear how many notices are output. The claim language indicates only one with the use of the term "an approved". However, the Examiner notes that the applicant uses a plural term "notices".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sending an approved reservation notice to the applicant and notifying the other relevant participators, thereby preventing the user from notifying each participator of the reservation one by one) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As for applicant's argument that Bingham does not disclose "storing a plurality of approved reservation records", it is not clear what the applicant is defining as "approved reservation records." Therefore, the Examiner is interpreting this to be storing any records relating to reservations, for example, confirmed reservation records.

As for applicant's argument as to step 3, the Examiner has addressed this limitation above. Reading this limitation broadly, each and every system request you to enter information again when there is a failure to log-in. Unless applicant is performing this step in a manner that has not been performed before, which the Examiner notes that applicant has not claimed, then this step is inherent in any log-in process.

The Examiner has provided a detailed discussion as to how the term “allowing” is interpreted. For the Examiner to give weight to a limitation, there must be a positive recitation of the limitation.

As for applicant’s arguments as to claims 5-6 and 13-14, for many of the reasons set forth above, the Examiner does not find the arguments persuasive.

Claims 5 and 13 are directed to **allowing** the applicant to submit a cancellation request after logging in, outputting and displaying the applicant’s record upon log-in, receiving the cancellation request wherein the request contains information about time span, processing the request, and **optionally** outputting notices. The Examiner asserts that any request is going to include a time span. One always enters the dates of a reservation. Furthermore, Fukuma discloses this limitation (col. 5, lines 57-61). Moreover, optionally performing any step is not a positive recitation.

Conclusion

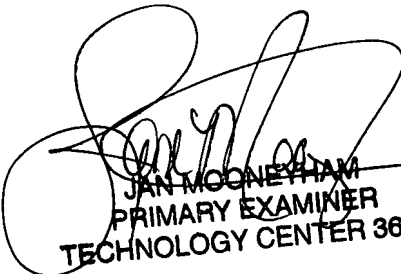
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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